

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JAMES RUSSO,

Plaintiff,

- against -

97 Civ. 5469 (WHP)

MP222 LLC, 222 EAST 95th OWNERS CORP.,
COMMISSIONER OF SOCIAL SERVICES OF
THE CITY OF NEW YORK, NEW YORK STATE
DEPARTMENT OF TAXATION AND FINANCE,
NEW YORK CITY DEPARTMENT OF FINANCE,
MERRILL LYNCH CREDIT CORPORATION
and the INTERNAL REVENUE SERVICE OF
THE UNITED STATES OF AMERICA,

Defendants.

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UNITED STATES OF AMERICA,

Counterclaim, Crossclaim
and Third-Party Plaintiff,

- against -

JAMES RUSSO,

Counterclaim Defendant.

-and-

MP222 LLC, 222 EAST 95th
OWNERS CORP., COMMISSIONER OF SOCIAL
SERVICES OF THE CITY OF NEW YORK, NEW
YORK STATE DEPARTMENT OF TAXATION
AND FINANCE, NEW YORK CITY DEPARTMENT
OF FINANCE, MERRILL LYNCH CREDIT
CORPORATION,

Crossclaim Defendants,

and

JAMES A. RUSSO, JOHN DOES NOS. 1-10 and
JANE DOES NOS. 1-10,

Third-Party Defendants.

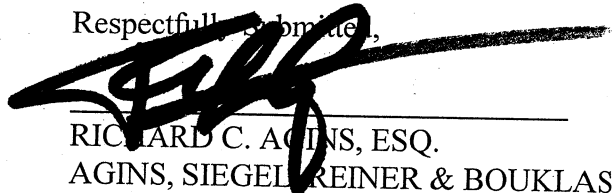
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NOTICE OF MOTION
TO CONFIRM AND AMEND
DEFAULT DECLARATORY JUDGMENT

PLEASE TAKE NOTICE that upon the Affidavit of Richard C. Agins, Esq. attorney for Plaintiff JAMES RUSSO and Third Party Defendant JAMES RUSSO a/k/a JAMES A. RUSSO, sworn to on the 6th day of March 2008, the undersigned will move this Court on the 8th day of April 2008 at 9:30 A.M. in Courtroom 11D of the United States Courthouse, 500 Pearl Street, New York, New York 10007, or as soon thereafter as counsel may be heard, for an Order pursuant to Rule 60 (a) of the Federal Rules of Civil Procedure that the Default Declaratory Judgment dated February 4, 2008 and filed on February 6, 2008 (the "Default Declaratory Judgment") be confirmed and amended to set forth statements of fact that each of the referenced warrants and/or judgments had also been filed in the Office of the Secretary of State of the State of New York, which were inadvertently omitted from the Default Declaratory Judgment, but must be clarified, and granting the Plaintiff and Third Party Defendant such other further and different relief as is just, necessary and proper.

Dated: New York, New York
March 6, 2008

Respectfully submitted,



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